

MINUTES
GREEN BAY PLAN COMMISSION
Monday, February 22, 2016
City Hall, Room 604
6:00 p.m.

MEMBERS PRESENT: Maribeth Conard–Chair, Tim Gilbert-Vice Chair, Sid Bremer, Ald. Jerry Wiezbiskie, Heather Mueller, and Lisa Hanson

MEMBERS EXCUSED:

OTHERS PRESENT: Kevin Vonck, Paul Neumeyer, Mark Lyons, Stephanie Hummel, Ald. David Nennig, Colleen Thompson, George Thompson, Bob Mach, Michael Martin, Steve Bieda, Dan Piton, Tina Bunker, Steve Dimmer, Paul Fassbender, Michael Marquette, Joshua Schwalbe, Andrea Peas, Tim Peas, KW Motors, Dale Malaczewski, Steve Grenier, Tom Radenz, Mike Hall, Jeff Mirkes, and Leah Weycker.

APPROVAL OF MINUTES:

Approval of the minutes from the February 8, 2016, Plan Commission meeting

A motion was made by Ald. J. Wiezbiskie and seconded by T. Gilbert to approve the minutes from the February 8, 2016, Plan Commission meeting. Motion carried.

M. Conard introduced new Plan Commissioner, Lisa Hanson. M. Conard also announced that Commissioner T. Duckett has resigned.

COMMUNICATIONS:

OLD BUSINESS:

1. (OMA 15-02) Discussion and action on the request to amend the future road pattern for Area Development Plan #112, generally located along Sitka Road. (Ald. Tom De Wane, District 2)

S. Hummel stated that this request was addressed at the last Plan Commission meeting. This is the Sitka Road area, bordered by Superior and Ontario. The northern half of the Area Development Plan (ADP) #112 was already approved and tonight they will be looking at the southern half. There was some opposition from neighbors regarding the connection of Gilbert Drive onto Ontario. Staff was directed to do further research into the Comprehensive Plan and ask the Technical Review Team about doing a cul-du-sac. S. Hummel then explained the original proposal with connection to Ontario Road. Details included a lost connection between Gilbert Drive and Sitka Road, which Staff is agreeable to, and the orientation of the proposed cul-du-sac changing. The design that neighbors brought to the last meeting included a cul-du-sac end at Gilbert Drive. The Parks Department stated they are in agreement with Staff to keep the connection to Gilbert Drive due to the neighborhood connection with McAuliffe Park. They want to make sure that connection is maintained because without it approximately 28 homes will be without a direct connection to the park. The Green Bay Water Utility stated the connection would be better for overall water quality and fire protection. Currently there are 16 homes on the existing dead-end on Gilbert Court which is the neighboring roadway to the west. If the cul-de-sac were to happen, this will leave about 12-13 homes on another dead end. The Fire Department was contacted and they strongly oppose the cul-du-sac. They stated this is a

hazard for their equipment due to backing up and they also lose an access point. The Department of Public Works is also opposed to the cul-du-sac option as well. S. Hummel stated that she did look more into the Smart Growth 2022 Plan, which is the City's Comprehensive Plan. Within the Comp Plan it does have provisions on when cul-du-sacs are more agreeable, near greenways to preserve the greenway itself. However, it stated they are not preferred for local or connector of streets. She stated that in the staff report she pulled out 3 points of Sections 19 and 21 on Urban Design and Transportation. Some of these points included: local streets be interconnected, the number of cul-du-sac be minimized, grid patterns are an important neighborhood element that allow for convenience for walking and bike access, and that street access in each cardinal direction is preferred.

S. Hummel stated that all this information was taken to the petitioner, and they are also in favor in keeping the connection of Gilbert Drive onto Ontario Road. With all the information gathered, staff is still maintaining that the connection of Gilbert Drive onto Ontario Road be maintained, with the condition of keeping the southern right-of-way line for Gilbert Drive in-line with the property lines, which the petitioner stated they could do through the platting process.

S. Bremer asked S. Hummel if this is compliant with the Comp Plan. S. Hummel stated yes.

M. Conard suspended the rules for public comments.

Colleen Thompson – 445 Ontario Road: C. Thompson stated she is opposed of the connection of Gilbert Drive to Ontario Road. She stated they never would have purchased the house had they known this would be happening. She stated that another street going through the area would increase traffic and turning around in front of her house, decrease her property value, and lower quality of living. She is asking if there is something else that can be done. She then offered a couple of suggestions of getting down into the neighborhood without the Gilbert Road Connections. She is asking Commissioners not to approve the request.

George Thompson – 445 Ontario Road: G. Thompson stated that he agrees with C. Thompson. He stated he was here two weeks ago and had the same objections. He stated that he did present an alternative and heard the response to that. He voiced his displeasure with the connection of Gilbert Drive to Ontario Road. He stated that if a cul-du-sac was built properly, a fire truck can easily turn around in it and doesn't have to back out of the cul-du-sac. He feels this item is being pushed through on reasons that are not very strong and can be worked around.

Bob Mach – 211 N. Broadway: B. Mach stated his team looked into the options of doing it as a cul-du-sac and not accessing Gilbert Drive. Generally they have agreed with the comments made by Planning Staff. B. Mach stated this information was taken back to the developer and they preferred to keep the connection from Gilbert Drive to Ontario Road for marketability and would like for the original proposed plan to be approved.

M. Conard asked B. Mach why they couldn't create a cul-du-sac like the one that is to the east of the subject site (Kristy Lee Estates). B. Mach stated that the dead end of Gilbert Drive already exists and this would likely be a problem from staff. S. Hummel stated that it would not make sense to place a cul-du-sac off of Sitka given the surrounding road pattern. B. Mach explained that if Gilbert Drive did not dead end or "T" into the lot, it would make perfect sense to put in a cul-du-sac. The intention with Gilbert Drive ending at the specific lot line was for the connection to go through.

M. Conard returned the meeting to regular order of business.

S. Bremer complimented staff on laying out the reasons of why other offices opposed the request. The better access to McAuliffe Park is important, but the most important one is the safety, especially for the Fire Department. For that reason she can support the proposal. S. Bremer then addressed the Thompson's. She informed them that they have a very good objection and is important that they consider their objection. However, her negative response to this is to the realtors that misled them. That is a situation they cannot intervene with.

M. Conard stated she agrees with S. Bremer. However, the reason to approve the proposal out-weighs the objections in this case. T. Gilbert stated that he can sympathize with the Thompson's with the location they are in. He did visit several of his neighbor's that are in the same situation as the Thompson's. The consensus he received from his neighbor's is that yes, they have had headlights coming into their house periodically, but they have gotten used to it. In hindsight, he does agree that this is the best placement under the circumstances and supports the request.

Ald. J. Wiezbiskie stated he does sympathize with the Thompson's. He did state that staff presented the information very well and was pleased they added information regarding the Comp Plan. He also agrees with the request.

A motion was made by Ald. J. Wiezbiskie and seconded by S. Bremer to amend the future road pattern for ADP #112, generally located along Sitka Road subject to the following condition:

- A. Proposed Gilbert Drive southern right-of-way line shall align with the northern property line of Parcel 21-68-4.

Motion carried.

NEW BUSINESS:

- 2. (ZP 15-14) Discussion and action on the request to rezone 3597 Nicolet Drive from General Commercial (C1) to Low Density Residential (R1) and a Conditional Use Permit (CUP) for an outdoor recreational use, submitted by Steven M. Bieda. (Ald. J. Wiezbiskie, District 1)

M. Lyons stated this is the most northeastern parcel within the City limits; the Town of Scott sits north of the property. The Comp Plan does call for residential in the area; however, is currently zoned commercial. They are down zoning the area back to residential and adding a CUP for a sportsman club. There is a home at the far eastern end of the property. The proposal would be to build a sportsman type club, to be used mainly for storage with a small gathering space at the western end of the property. An elevation and floor plan were presented to Commissioners. The site is approximately 2.3 acres in size. Staff is recommending approval subject to the following conditions:

- A. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit (CUP), including standard site plan review and approval.
- B. Incorporating multiple building materials on the east and south facades.
- C. Providing building foundation landscaping along the east and south facades.
- D. Providing parking screening along the south side of the parking and drive area.
- E. Limiting the hours of operation to 4 a.m. to 8 p.m.
- F. There shall be no expansion of the conditional use without Plan Commission and City Council approval.
- G. Recommend using permeable pavement options around the boat launch area.

A letter of support was received from the UW-Green Bay. They would like to use this facility for storage for equipment used at Point au Sable and use as a launching point. Also received was an email from the neighbor immediately to the south of the location. M. Lyons stated he has spoken with him twice and he is generally in favor of the request, however does have two concerns. His first being the hours of operation, that being dawn to dusk, and limiting the group size of people using it.

M. Conard asked M. Lyons what type of traffic is expected and if the house on Nicolet Drive will stay and if anyone lives there. M. Lyons stated that it is being used currently by the same group and doesn't generate that much traffic and that it will be pretty minimal. The petitioner is here tonight and can answer that question in better detail. The house will stay on Nicolet Drive and is currently occupied.

S. Bremer asked if this was the location of the old Windjammers, and the recommendation that they use the permeable pavement options strikes her as important and is curious as to why they chose to recommend rather than require. M. Lyons stated they felt it was better to recommend that they do that. If they can figure out a drainage solution that works for them without it, it would also work. S. Bremer asked if it's because it is a less permeable pavement than we would otherwise allow. M. Lyons stated that is more than what they like to see, but if they can figure out a solution to resolve it, we would leave it up to them, but just recommended to make things a little easier on them.

H. Mueller asked that since the property does butt up against to the Town of Scott, if anyone in the Town of Scott that would be an adjacent property owner received notification. M. Lyons stated a notice was sent to the Town of Scott.

S. Bremer asked what the structure is located on the south west end of the abutting property. H. Mueller stated it is a residence and then asked if they were notified. M. Lyons stated they were. S. Bremer confirmed with M. Lyons that the Point au Sable area is quite large with very few homes. M. Lyons stated that was correct. Her reason for inquiring is that she lives on the Bay of Green Bay and is close to the Wildlife Sanctuary and it can be unnerving to be waken at the "crack of dawn". She assumes that a sportsman club named the duck shack does involve some hunting and gun use. Having a home by an area like that with questionable sportsmanship involved in shooting at ducks right next to a natural preserve, which is how she feels about the duck hunters right next to the wildlife sanctuary. M. Lyons stated he would have the petitioner follow-up on that as he didn't believe they actually hunted from there, but more of a launching point.

H. Mueller asked who the CUP stays with in this case. M. Lyons stated that it will stay with the property.

M. Conard asked what was meant by "mixing" the materials for the south and east side. M. Lyons stated that they don't want to limit them to anything specific, but would just like to see two or three different materials like rock or brick just so that it is not strictly a metal building. M. Conard then asked if there were any landscaping requirements. M. Lyons stated that with it being zoned residential, he didn't believe so.

M. Conard suspended the rules for public comments.

Michael Martin – 3597 Nicolet Drive: M. Martin stated that he has been using the property for over 20 years. He stated before using this property that he bought last year, he used to access from the neighboring property; that is where he launched his boat. He is comfortable with

working with the neighbor, Ron, who lives just to the south. The catalyst behind the request is that UWGB is looking for some space and he can help them with that. As far as the permeable surface, he would like to see less than more. When the original plan was made with the building on it, the architect drew up plans he did not envision. He stated as far as the number of members to the club, it would be himself and the UWGB and one other person to begin with and the amount of usage is going to be low. UWGB has not had a lot of traffic in the past, and doesn't think it will increase.

M. Conard asked what type of activities the club does. The original idea was to have a place where you can go and get together and get equipment ready for going out hunting, have access to your boat and maybe store some items and keep them safe as there have been some issues with theft in the past. M. Conard then asked if there would be any shooting on the property. M. Martin stated no as it is in the City of Green Bay. M. Martin stated that you have to be in the water and so many feet from the door.

M. Martin stated that as far as hours of operation, he stated it felt like it is not a business, but is supposed to be a club. However, he is fine with dawn to dusk for the CUP. Ald. J. Wiezbiskie stated that his issue was hours of operations, but is OK with the current conditions.

L. Hanson asked if the main reason he is doing this is to help the University for the conservation and restorative processes. M. Martin stated that was correct.

M. Conard returned the meeting to regular order of business.

H. Mueller stated that she will be abstaining from voting as her parents own the property directly across the street in the Town of Scott.

L. Hanson stated that her main concern is making sure that it has proper irrigation and run-off since it's close to a nature preserve.

M. Lyons asked if they wanted to modify condition "E" to dusk to dawn. P. Neumeyer stated that in regards to the site, it will be treated as a commercial site and a site plan will be required and basic storm sewer management will have to be looked at and is covered by staff. S. Bremer stated she would revise the condition to say dawn to dusk and not dusk to dawn.

A motion was made by Ald. J. Wiezbiskie and seconded by T. Gilbert to rezone 3597 Nicolet Drive from General Commercial (C1) to Low Density Residential (R1) and a Conditional Use Permit (CUP) for an outdoor recreational use, with the above listed conditions and changes to condition "E" to dawn to dusk. Motion carried.

3. (ZP 16-08) Discussion and action on the request to amend Zoning Ordinance 17-07 to relocate previously approved two-family uses as part of the preliminary plat of Eaton Heights Second Addition located along the 1000 Block of Spartan Road, submitted by Steve Bieda, Mau & Associates, on behalf of Bay Settlement Investments, LLC. The locations of the proposed two-family uses are on lots 50, 51, and 52. (Ald. J. Wiezbiskie, District 1)

P. Neumeyer stated this is a request to amend Zoning Ordinance 17-07 to reapprove three, two-family uses along Spartan Road as part of the proposed Eaton Heights Second Addition subdivision. The Comp Plan recommends low to medium density residential for the subject area. There is a Planned Unit Development (PUD) that encompasses this property and surrounding uses of low density residential to the north and west and rural to the east across

Spartan Road. There was an amendment in 2007 to relocate some of the two-family uses but, has since expired. Affected property owners were notified and there were no inquiries or objections to the request. Staff is recommending approval of the request.

M. Conard suspended the rules for public comments.

Tina Bunker – 825 S. Huron Road: T. Bunker stated she was here to answer any questions.

Dan Piton – 3554 Highland Center Drive: D. Piton stated that he is the President of the Bay Highlands Neighborhood Association. He stated his main concern is traffic. The area does have a high volume of traffic and would like to know what the traffic impact would be when these two-family uses are added. He then asked when the road pattern changed on Satellite to Spartan. P. Neumeyer stated in 2007. He stated he has no objections.

Steve Bieda – 400 Security Blvd: S. Bieda stated he was here to answer any questions.

M. Conard returned the meeting to regular order of business.

Ald. J. Wiezbiskie confirmed with staff that nothing had changed regarding the Plat. P. Neumeyer stated that was correct, and that time has just passed and the amendment expired.

H. Mueller made a motion to approve seconded by Ald. J. Wiezbiskie to amend Zoning Ordinance 17-07 to relocate previously approved two-family uses as part of the preliminary plat of Eaton Heights Second Addition located along the 1000 Block of Spartan Road. Motion carried.

4. (SV 15-02) Discussion and action on the request to close a portion of University Avenue and vacate various portions of University Avenue, Clement Street, Fred Street, and University Way, submitted by University Avenue Center, LLC, property owner. (Ald. D. Nennig, District 5 and Ald. J. Moore, District 6)

S. Hummel stated that there will be a variety of requests for this proposal and Items 4, 5, 6 and 7 are all tied together with Conditions of Approval regarding all other applications. The street vacation item is the most important as far as infrastructure is concerned. This information was presented at the last Plan Commission meeting as an information item on the Agenda.

S. Hummel stated that there will be four separate lots and a CSM is currently being processed for them. Lot 1 is the proposed Kwik Trip which will have a car wash and gas pumps. Lot 2 will have Festival Foods and a large parking area. Lot 3 will consist of a small strip center with multiple tenants. Lot 4 is a vacant, to be determined, lot at this time. At the last meeting there was a discussion regarding traffic concerns. The Department of Public Works was available to answer traffic questions. At the last meeting, Fred Street property owners also had many concerns about the proposed Kwik Trip. They are working on a remedy with the neighbors and developer, and are not currently part of these applications, but may be included in the near future.

S. Hummel stated there are a couple of concerns regarding the street vacations. At this time S. Hummel informed Commissions what areas will be vacated and become part of the development. This includes portions of Fred Street, University Avenue, Clement Street and a small portion of University Way, which does have property rights by the WisDOT. The unapproved portion of University Way will be vacated and the improved portion, which already leads into the existing roadway (University Avenue), will be maintained as right-of-way. There

will also be a section of street closure on University Avenue. The street closure would act as any other city street, except it will not be for through traffic any longer. There are conditions of approval that address a maintenance agreement and any access agreements between the property owner, Rivera Lanes, WisDOT, and City of Green Bay. S. Hummel directed Commissioners to their meeting packet for the list of conditions. Most of the conditions are regarding utility providers wanting to maintain any type of easements or relocation costs that may be necessary. Condition #1 addresses all other applications that need approval for the street vacations and closure request to be approved. This includes a variety of easement discontinuances, a rezoning, a PUD overlay, and a CSM. There is also a CSM Variance that is required because lot three, which is the northern most lot, does not have direct access to a public right-of-way.

For this petition there was a 200 ft. notification area. No negative comments were received from neighbors. There were a lot of questions about what the future access would be. There is a 40 day requirement for City Council between the 1st and 2nd reading. If this would be approved tonight, the first reading would occur at a special City Council meeting tomorrow night. From there, there will be a 40 day wait period and then it will be heard at City Council on April 6, 2016. Once approved at City Council, the streets will become void with their requirements with the City and will become the developer's responsibility. While the developer owns some property, much of it is under contract. Because of this, a condition of approval has been added to require Ownership Affidavits from any property owner adjacent to these vacation requests to ensure that they will have access and maintenance controlled while they still own the property.

S. Hummel stated that some of the other conditions that are included are a traffic impact analysis, as traffic has been a major concern of neighbors. We also want to make sure that the Fred Street area is cleaned up before the final approval is made. This agreement will be with Planning Staff, Dept. of Public Works and the developer to make sure all neighborhood concerns are taken care of and a final determination is made on the Fred Street area prior to this being approved by City Council. Conditions 8-12 are regarding utility issues, conditions 13-15 are from utility providers regarding easement issues and cost, and conditions 16-21 are public improvement items which include sidewalks, bus stop, and crosswalks just to name a few.

S. Bremer asked to see where the new Clement Street would be located on the map; in which S. Hummel pointed this information out on renderings provided at the meeting. S. Bremer then confirmed that this will provide access to the area and the closure to through traffic on part of University Ave will allow for access from the other direction. S. Hummel stated that was correct. S. Bremer then asked if the current property owners on Fred Street have rights of participation of conversation during the agreement development, Condition 6. S. Hummel stated yes, they will be the main driving force.

M. Conard suspended the rules for public comments.

Steve Dimmer – 554 Peters Street: S. Dimmer stated his main concern is the increase of traffic on Peters Street. He stated traffic is already bad down Peters Street. He asked why Peters Street also couldn't be closed and included in the development around the area.

M. Conard asked S. Hummel if Peters Street had been addressed. S. Hummel stated that developer would have to address this with the traffic impact analysis.

Kelly from KW Motors: Kelly stated she owns a small car business and this will affect it. They were asked to vacate the property within a few weeks. They had to stop buying merchandise and they are now taking a loss. They now have to rebuild their business.

K. Vonck asked Kelly if she owned or leased the property. Kelly stated that they lease the property. K. Vonck stated that he does understand the situation; however, the street vacation goes with the property and property owner. He offered her assistance in relocating the business.

Andrea & Tim Peas – 3340 Solitude Road, De Pere: T. Peas stated they are in favor of the project. They are adjacent to the area, west of Fred Street. He would like to see the rezoning expanded to bring in more business opportunities. There are concerns regarding access in the area.

M. Conard asked S. Hummel if there is a possibility to rezone a bigger area. S. Hummel stated the proposed project is a catalyst site and they are expecting further redevelopments to occur as an expansion of this development.

S. Bremer asked T. Peas if he was talking about expanding commercial zoning to Peters Street. He stated that was correct.

Joshua Schwalbe – 1216 Cherry Street: J. Schwalbe stated he doesn't see any concerns with the rezoning, however, does have concerns regarding the street closures and traffic. He did state that one thing to consider is that traffic will be pushed to the out skirts of the development and cause issues there. He is asking them to look at the area outside the development and development as a whole. They did approve the site plan that was discussed at the informational meeting at the last Plan Commission. He stated that as long as that has not changed, they do not have any objections to the street closures, as long as they do take into consideration the other two streets that might have increased traffic.

Michael Marquette – 1830 W. Mason Street: M. Marquette stated he is the attorney that represents the KW Motors property. They want to speak in favor of the project that is being considered including the street vacation and the rezoning. He wanted the Commissioners to know that their client has identified another location for car sales and repair facility in the City of Green Bay and is hopeful that they will be able to move very shortly.

Dale Malaczewski: - 2327-2329 University Avenue: D. Malaczewski stated he wanted to know how road closures were going to affect the roadway a little farther down on University Avenue where they are located. M. Conard asked staff if they can answer his question. P. Neumeyer stated this would have to be directed to the director of Public Works.

Paul Fassbender – 2080 University Avenue: P. Fassbender stated he owns University Avenue Market since July 1999. He gave a brief history of the market. He would like for Commissioners to consider the impact that this project is going to have on his store. This current traffic plan does make it more difficult for customers to get to the store coming from the east as they do have to drive around the parking lot of Festival Foods. He does understand that something does need to be done in that area, but it would be great if it wasn't another grocery store.

Steve Grenier – Director of Dept. of Public Works: S. Grenier stated that their traffic engineer has been very diligent in specifying what the minimum requirements for the Traffic Impact Analysis (TIA) are. Before the TIA was completed, they required the developer to complete what they refer to as IR or Initial Review or scoping document. This set up the base terms and conditions of what the TIA is going to address. When they got concurrence from WisDOT and

the developer on the IR, they sent it back and had their traffic consultant prepare the TIA. That document was submitted back to DPW for review. They completed their initial review in cooperation with WisDOT because they do have some access rights and concerns with connecting highways. The comments made are being addressed by the developer. After their review of the document, they have required the developer to take a look at potential impacts that this development could have on neighboring properties as far west as Danz Avenue. They are also going as far east as the intersection of University Avenue at Humboldt Road. They are taking a large view scope of this project as they need to understand what potential traffic impact that it has on the neighborhood and surrounding area.

S. Bremer stated that they had heard two weeks ago as well as tonight about the concerns that neighborhood residents have for the “cut through” along Basten and Peters. She asked if they have considered any alternatives that might mitigate that. S. Grenier stated that at this time they have not, because the TIA has not yet been completed. The draft came in and had some comments that need to be addressed. They are hoping to get the revised comments back soon and then they will start picking away at individual recommendations. S. Bremer stated she is generally in favor of the development and part of it is due to them addressing the “triangle”. She asked S. Grenier if he was involved in developing the configuration of streets here, in which he responded yes. She stated that this does wipe out the triangle, however, it does it different from the original recommendation of the University Avenue Brownsfield task force, which was to force the traffic to go down University Way and then onto current University Avenue. However, the new proposal does make more sense to her as it makes traffic more direct, but it does not calm the traffic as well.

S. Bremer asked if there had been any thought of traffic calming devices along that area. S. Grenier stated it is a complex situation because of the competing ends. Up until where existing University Ave and Sturgeon Bay Road come together, the right-of-way is not just access agreement, it is right-of-way that is held on fee title by the WisDOT. As it is a connecting highway, the function of that highway is to efficiently get traffic from point A to point B. They are looking into ways to slow traffic down in the area as that has always been a concern. She then asked if the timing of the traffic light would be readjusted as well as adding a traffic light at the entrance of where Kwik Trip will be. S. Grenier stated yes and then stated there will be a new light added at the end of new Clement Street at Sturgeon Bay Road.

Ald. J. Wiezbiskie asked if University Ave is going to vacate into the parking lot of the development and go past the driveway of the bowling alley. S. Grenier stated that it will remain University Ave up to the parking lot of the bowling alley. He then asked if it would be the City’s responsibility to maintain it. S. Grenier stated that they have some flexibility and explained again the reasons of street vacations versus the street closures for maintenance purposes. S. Grenier stated they have been talking to the developer and they may enter into a development agreement concerning maintenance because the property owner may be able to take care of some of the maintenance needs in a timelier manner. However, in development agreement, we will make sure that the needs of City residents and tax payers are preserved. There will be provisions written into the agreement so the City can come in and take the obligations over and do what is necessary to make sure things are maintained properly.

Ald. J. Wiezbiskie asked if there was any real reason why they are keeping the University Avenue name for that particular piece other than keeping addresses the same for businesses. S. Grenier stated that the business has expressed that they want to keep the name due to the history behind University Avenue and they would not go against that.

S. Bremer asked if the disappearing of University Avenue would cause confusion for people not from Green Bay, as it would terminate then reappear at the east end of the development. S. Grenier stated that it may, but there are a lot of instances where streets are discontinued and have gaps in the middle.

M. Conard returned the meeting to regular order of business.

A motion was made by T. Gilbert and seconded by S. Bremer to approve to close a portion of University Avenue and vacate various portions of University Avenue, Clement Street, Fred Street, and University Way.

Ald. D. Nennig commented and summarized the information regarding the traffic issues and conditions this item is contingent on. He feels the development has come a long way and is very complex. He then introduced an idea of changing the name of Sturgeon Bay Road and changing the closed portion of University Ave to Riviera Lane to help people find the bowling alley. He stated this is something that could be addressed at a later date.

M. Conard addressed the businesses that are having some struggles with this development. They are here to decide the zoning use of the property and cannot help regarding the completion or having to move their business and wished them all success.

Motion carried.

5. (ED 16-01) Discussion and action on the request to discontinue a variety of easements located through portions of University Avenue, University Way, Clement Street, and Fred Street, submitted by University Avenue Center, LLC, property owner. (Ald. D. Nennig, District 5 and Ald. J. Moore, District 6)

S. Hummel stated that this would be all the easements contained in the subject property. A map of the easement from an ALTA Survey was presented with all the easements that will be discontinued. The CSM will cover any new easements that would be required. This application is tied to the approval of the proposed Street Vacation, CSM, rezoning, PUD overlay, and CSM Variance. Most of the conditions for this item contain comments from utility providers making sure that all their easements are relocated or maintained. There are still issues being worked through with the Dept. of Public Works regarding a sewer easement. Given the complexity of this proposal, the last condition addresses any unknown or otherwise undiscovered easements. Staff is recommending approval of this request.

M. Conard suspended the rules for public comments. There were no public comments. M. Conard returned the meeting to regular order of business.

A motion was made by Ald. J. Wiezbiskie and seconded by S. Bremer to approve the discontinuance of a variety of easements located through portions of University Avenue, University Way, Clement Street, and Fred Street, subject to the conditions S. Hummel presented to Commissioners. Motion carried.

6. (VR 16-02) Discussion and action on the request to deviate from Section 14-727 of the Subdivision and Platting Ordinance to allow for a land division not be located on a public street for a parcel located along University Avenue, submitted by University Avenue Center, LLC, property owner. (Ald. D. Nennig, District 5 and Ald. J. Moore, District 6)

S. Hummel stated this is the last portion of the infrastructure they need approval for. The proposed CSM has a lot (Lot 3) that has public frontage, but does not have public access because there are DOT restrictions across the entirety of the lot. S. Hummel directed Commissioners to their meeting packet for the modification regulations used. Most of the modifications deal with physical features, least deviation from the code, and fitting the general spirit of the code. This variance would fit with the general spirit of the code because we would be requesting ingress/egress easement from Lot 3 to a public right-of-way so there is access maintained. Lot 3 is surrounded by a parking lot so the access will not be hard for people to see. They are requesting approval with the variance considering the proposed conditions of approval, most notably the approval of the proposed CSM.

S. Bremer clarified with S. Hummel that Lot 3, which is to be the strip mall on the north corner of the property, would have access through the parking lot from either University Ave or Sturgeon Bay Road on the west or University Ave from the east. S. Hummel stated that there cannot be access from Sturgeon Bay Road due to WisDOT access control restrictions. S. Bremer then restated through either University Ave or new Clement Street both coming into the parking lot. She is also presuming that care will be taken for managing the way through the parking lot itself. S. Hummel replied that would be on the developer to maintain all the maintenance and access agreements. The easement gives legal and physical access to the lot.

A motion was made by Ald. J. Wiezbiskie and seconded by H. Mueller to deviate from Section 14-727 of the Subdivision and Platting Ordinance to allow for a land division not located on a public street for a parcel located along University Avenue, with the conditions provided with S. Hummel. Motion carried.

7. (ZP 15-17a) Discussion and action on the a request to rezone several parcels in the 2400 Block of University Avenue to Highway Commercial (C2) and Community Center Commercial (C3), submitted by Larry Langohr, University Avenue Center, LLC. (Ald. D. Nennig, District 6 and Ald. J. Moore, District 5)

P. Neumeyer stated this is a request to rezone several parcels in the 2400 block of University Avenue. This is the first step in the process. The second will include a Planned Unit Development (PUD) at the next Plan Commission meeting. The Comprehensive Plan recommends commercial throughout the area, and the proposed zoning would be consistent. This area is also part of the University Avenue Corridor Brownfields Redevelopment Plan; proposed land uses are also consistent with the Plan.

P. Neumeyer stated there are two rezonings that are taking place. The first would be Highway Commercial zoning which will permit Kwik Trip, gas pumps, and car wash on the west end of the new Clement Street. The second rezoning, to Community Commercial, will allow for the Festival Foods and other lot that fronts on University Avenue on the east site of the new Clement Street. Affected property owners within 400 ft. of the subject property were notified. There have been no inquiries or objections regarding the request. Staff is recommending approval of the request with the approval of the proposed CSM for the affected parcels.

S. Bremer stated she appreciates the care Planning staff has taken regarding the project and that helps push the subject forward faster. Ald. J. Wiezbiskie also commended staff for their work on this project.

M. Conard suspended the rules for public comments.

Pam Wied – 2378 Van Deuren Street: P. Wied stated her home is located behind the proposed Kwik Trip. She stated she did not realize there was a “lot 4” in the development. She asked why the gas station can’t be moved over to that lot instead of taking and putting the gas station in lot 1. She stated that with the proposed car wash and there are two houses that will be affected by the car wash as she will be affected by the gas station.

S. Hummel stated the developer is here and maybe he can respond to the question.

Tom Radenz – REI: T. Radenz stated he is part of the engineering team for the development. He stated they did look at a number of options and have moved the location of Kwik Trip several times. The reason they didn’t put Kwik Trip on lot 4 was that it couldn’t fit. Due to the size of the trucks that transport the gasoline and deliveries, as there isn’t enough room for them to turn around safely.

S. Bremer then asked T. Radenz what are their thoughts regarding lot 4. At this time it will be for retail use. They are reaching out to try and find the highest investment for that piece of property. L. Hanson asked if there will be any type of landscaping done on Van Deuren Street. He stated that the entire length of Van Deuren, there will be landscaping as well as a 6 ft. fence to be used as a barrier for visual and sound. Then on the south side of Kwik Trip, they plan to berm it up so the fence will sit higher.

Andrea Pease – 3340 Solitude Road, De Pere: A. Pease stated they own the property just to the left of the proposed car wash and she wanted to know what was going to be done in that area between that property and the car wash. She wants to know if that same fence and landscaping will be there.

T. Radenz stated that both landscaping and a fence will be installed, in which he briefly described the location of them. This will be discussed in more detail once the site plan comes through at a later date. M. Conard asked what was meant by landscaped. He stated that because of the car wash, Kwik Trip is very sensitive to the neighborhood so they are talking about coniferous trees, small shrubbery, all submitted in a plan, hopefully this week. T. Radenz stated that Kwik Trip will be coming in with a site plan in the future, which will have more detail.

S. Bremer stated there is a map that was shown earlier that had a small section that was zoned differently. P. Neumeyer stated the area in question was zoned as Neighborhood Center and that is Walgreen’s. She then asked if anything needed to be addressed regarding zoning that a patron was talking about earlier. P. Neumeyer stated it is wouldn’t be part of this request it would have to a separate request. S. Bremer stated this might be worth doing from the presentation and that maybe T. Pease should speak with P. Neumeyer about his ideas.

Ald. J. Wiezbiskie made a motion seconded by T. Gilbert to rezone several parcels in the 2400 Block of University Avenue to Highway Commercial (C2) and Community Center Commercial (C3). Motion carried.

INFORMATIONAL:

8. (PP 15-09) Update on the Stadium Entertainment District planning process.

K. Vonck stated there was a request from Ald. C. Wery about what they were going to do with our area of the Titledown District, the area around Lambeau Field. This includes the area behind the bars, all the way over to Tundra Lodge and Ashland Avenue, south of Lombardi to about halfway between Canadeo and Mike McCarthy Way (Potts Avenue). A request for qualifications was put out to about a dozen consultants. They received six proposals back, which have been

narrowed down to three to interview for the project. They want to hear a plan for shaping up and solidifying the land use and how they can better improve circulation and access through the area, primarily for pedestrians. They will also be reaching out to the Alderman for the district to look at the proposals and see if they would have any concerns or questions. They hope to get a contract signed and then look at budgeting for this proposal, which could include TIF district funds, as it is a valid TIF expense in terms of helping to bring additional property development into the area or it could be a candidate for applied surplus money coming from the 2015 budget. Within the next month he would like to finalize where things are going. The firms that will be coming in have stated that they would be able to get a product to the City either this spring or summer. He stated that S. Hummel, J. Upfahl, and B. Lockery have been working on this project.

9. (PP 16-03) Business Improvement District updates on revenue and expenditures based on 2015 Operating Plans and Audit Report.

K. Vonck directed Commissioners to the BID attachments, which summarizes BID's activities over the past year. The directors are here today to speak briefly on the happenings of the past year.

Mike Hall – Interim Executive Director of On Broadway: M. Hall stated they did have a good year last year. They had approximately \$60,000 that came in from the BID's and spent about \$58,000 in a variety of ways. They did receive some signage grants that totaled about \$6,500. They put a great deal of money into tree beds and planters, which turned out really nice. They also had the Benches on Broadway project where they had a number of artists paint the public benches, which added color to the area.

H. Mueller asked about the updates to the façades of buildings and painting; is there a vision that the Broadway District has? M. Hall stated it is something they do need to take a look at. He stated that there is the issue of objection from landlords not wanting to put much money into the buildings. S. Bremer asked if they have considered anything like a grants program for façade and signage. M. Hall stated they do have a signage grant and have more for this year. However, as far as money for façades they will really have to look into that. K. Vonck informed M. Hall that the City has an idle pool of funds that could be used for façade rehabilitation. However, some are federal funds and do have some restrictions.

Ald. J. Wiezbiskie asked why he was the "Interim" Executive Director. M. Hall stated that their Executive Director resigned in January and they are putting together the requirements for the Executive Director, going forward. As he was on the board and the treasurer, and had the qualifications and time, he agreed to do it on a temporary basis.

Jeff Mirkes – Executive Director Olde Main Street: J. Mirkes shared the events that were popular this last year including Gallery Nite, Summer in the Park and OMSI Annual Meeting. Other new things in the district are arched banners and murals. They have also maintained the planter program and landscaped medians. They want to continue to enforce that. The most significant projects they have tried to support are the advancement of a major cultural hub, the Art Garage. The acquisition of that property last year was a significant plus. There are now ongoing plans to bring in the right compatible tenants. The East River Trail is another project that is important to the Main Street District. Their office is working with City Departments to help make way for the trail, starting with some significant demolition. There were three businesses that moved into the Main Street Commons last year. They are seeing growing confidence in the district. He does admit that Olde Main Street was slow to start, but has improved and would like

to make the district a cultural anchor. He did invite staff and Commissioners to the OMSI Annual Meeting on Tuesday, March 8, 2016.

L. Hanson asked with some of the old buildings coming down, if Olde Main Street will become a scenic route with buildings on one side of the street and the trail on the other side. J. Mirkes stated that some people don't even know there is a river behind some of the buildings and that the scenic trail expansion is the plan. He wanted to mention that Olde Main Street experienced some residential progress this year with opening of a three phase project, The Whitney Townhomes. He stated that all 10 of the townhomes have been sold.

J. Mirkes – Executive Director Downtown Green Bay Inc.: J. Mirkes listed some of the significant developments that took place in the Downtown District, in partnership with City Departments, City Deck Landing, KI expansion, Hampton Inn conversation, Initiative One and Back Stage at the Meyer. This has motivated so much confidence. They have also assisted Wells Fargo Bank to open a downtown office. He also mentioned a few other businesses that will be opening soon; The Creamery in the Watermark and Metreau Apartments. There are currently about 400 living units on the Fox River with 100 percent occupancy. The role of their organization is activation, PR & Marketing, Business Recruitment, and Physical Improvement.

H. Mueller stated she is happy to see the progress made in the Downtown District as she both lives and works in the area.

Leah Weycker – Executive Director Military Avenue: L. Weycker stated that they are the newest BID and completely different from Downtown and On Broadway, but similar to Olde Main Street. She stated that within the last 6 months there has been a shift. The Titledown development in Ashwaubenon will be a huge improvement for the district. Since they are such a new BID, they don't really have additional funding from events and 93 percent of their budget is the BID, which in 2015 was \$96,800. They have a small budget and rely on business owners and board members to do a lot of the work. They will be starting a farmer's market and are working with a lot of corporations, which is different than the local level as it takes extended time for them to make simple decisions. S. Bremer asked what day will they be having their farmer's market. L. Weycker stated on Thursday evenings. It will be geared more for family activities.

OTHER:

Director's Update on Council Actions

K. Vonck reported the following information:

- The following actions were approved/moved at the February 15, 2016, City Council meeting:
 - From the Monday, January 25, 2016, GBPC report:
 - The CUP for Shawano Ave was held over at the request of the GBPC; the PUD for the Farmory, the CUP for 219 N Ashland Ave, the Denial of the platting for Western Ave; and approval of the BID appointment.
 - From the Monday, February 8, 2016, GBPC report:
 - The CUP for 898 Shawano Ave; the CUP for 712 N. Quincy, the rezoning for 1857 Shawano Ave was tabled until the next meeting on March 1, 2016, as the Law Dept. is investigating whether it is a civil or city issue; the CUP for 327 and 308 S. Quincy; Northern portion of ADP #112 along Sitka Road; and informational item regarding University Ave, which came back to us tonight.

K. Vonck thanked and commended staff for a wonderful job on the complex Festival/Kwik Trip project.

M. Conard asked what the concern was that held up the rezoning for Shawano Ave. K. Vonck stated the concern is that in order to change some uses, zoning and signage, that there are some covenants that go back to the original property owners that prohibited it, unless voted upon by all the "members". They are unsure on who all the members are or where this information has been recorded. The Law Department is doing some research and will report back to council at the next meeting. The person that brought this forward is also the seller of the property and owner of the adjacent two parcels.

SUBMITTED PETITIONS:

A motion was made by Ald. J. Wiezbiskie and seconded by S. Bremer to adjourn. Motion carried.

Meeting adjourned at 8:15 p.m.